

Message Text

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ACTION PER-03

INFO OCT-01 ARA-10 ISO-00 /014 W
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P 241923Z SEP 75

FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC PRIORITY 2862

UNCLAS BUENOS AIRES 6428

FOR ARA/MGT/PM

E.O. 11652: N/A

TAGS: APER & EFIN

SUBJ: AMENDMENT TO LOCAL SEVERANCE PAY PLAN

REF: STATE 206431

1. CHAPTER II OF LAW 20744 APPLIES TO EMPLOYMENT
OF PERSONNEL ON A TEMPORARY BASIS AND NOT REPEAT NOT CHAPTER
III. SEE ATTACHEMENT TO OUR OM DTD 6-11-75.

2. COMPANIES INCLUDED IN OUR LAST SALARY SURVEY DO NOT HIRE
PERSONNEL UNDER TEMPORARY APPOINTMENTS, BUT IF THEY WOULD THEY
SHOULD FOLLOW THE LAW STRICTLY, SO THEY DO NOT DEVELOP SPECIFIC
SEVERANCE PAY PLANS. ALL THEIR EMPLOYEES ARE UNDER THE GENERAL
LEGAL REQUIREMENTS OF THE LAW CONTAINED IN TITLE XII, CHAPTER I
(ADVANCE NOTICE) AND TITLE XII, CHAPTER II, ARTICLE 266 (DISMI-
SSAL PAYMENT) OF LAW 20744, PROVISIONS OF WHICH ARE INCLUDED IN
OUR CURRENT SEVERANCE PAY PLAN.

THEY POINT OUT THAT THIS SYSTEM ALSO SAVES THEM FURTHER LEGAL
PROBLEMS WITH LOCAL LABOR COURTS, THEY ALWAYS PREFER TO BE ON
THE GENEROUS SIDE WHEN THEY HAVE TO FIRE AN EMPLOYEE.

3. EXAMPLE OF COMPUTATION OF SEVERANCE PAY FOR A TEMPORARY
APPOINTED EMPLOYEE, FSL 3/2, ANNUAL SALARY 195,594, 8 MONTHS'
SERVICE:

ADVANCE NOTICE: ONE MONTH OR ITS EQUIVALENT IN CASH.

DISMISSAL PAYMENT AS PER THE GENERAL SEVERANCE PAY PLAN SHOULD
NOT BE LESS THAN 2 MONTHS' BASIC SALARY, IN THIS CASE: 15,040 X

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2 - 30,080, EMPLOYEE UNDER TEMPORARY APPOINTMENT SHOULD GET HALF

OF THE ABOVE: E.G.: 15,040.

4. IT IS THE POST'S DESIRE TO TREAT ALL EMPLOYEES IN AN EQUITABLE
MANNER. WHEN THE LAW IS NOT CLEAR, AS IN THIS CASE, WE WOULD LIKE
TO GIVE THE EMPLOYEE THE BENEFIT OF DOUBT.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 24 SEP 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975BUENOS06428
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750331-0691
From: BUENOS AIRES
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750919/aaaaaqno.tel
Line Count: 67
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION PER
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 75 STATE 206431
Review Action: RELEASED, APPROVED
Review Authority: RowellE0
Review Comment: n/a
Review Content Flags:
Review Date: 18 MAR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <18 MAR 2003 by maustmc>; APPROVED <10 FEB 2004 by RowellE0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: AMENDMENT TO LOCAL SEVERANCE PAY PLAN
TAGS: APER, EFIN
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006